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C O N F I D E N T I A L SECTION 01 OF 02 SUVA 000037

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TAGS: [PREL](#) [MARR](#) [PHUM](#) [PINR](#) [ASEC](#) [CASC](#) [FJ](#)
SUBJECT: FIJI UPDATE 1/18/07 - MORE JUDICIAL AND LEGAL
MAYHEM; SDL ASKS FOR U.S. HELP; EC PROPOSES COTONOU
CONSULTATIONS

REF: A. SUVA 36
[1](#)B. SUVA 35

Classified By: DCM Ted Mann, per 1.5 (B) and (D)

Summary

[1](#)1. (C) Chief Justice Fatiaki returned to his office today, only to be removed by police. The military defied a ruling by the High Court reinstating Sugarcane Growers Council CEO Jagannath Sami and removed him from his office. Sami collapsed during military questioning and was admitted to a hospital. Bainimarama announced the planned formation of an anti-corruption commission with broad powers to conduct surveillance, arrest, detain and prosecute. The SDL Party is asking the U.S. to lobby for PM Qarase's freedom of movement within Fiji. The EC announced that it is proposing consultations with Fiji under Article 96 of the Cotonou Agreement because of the human rights abuses and breach of democratic principles in Fiji. End Summary.

CJ Fatiaki Causes a Scene

[1](#)2. (C) Accompanied by TV cameras, Daniel Fatiaki went to his office today in order to demonstrate that he remains on the job as Chief Justice despite the interim government's designation of Anthony Gates as Acting CJ. "I don't have guns," he told reporters. "I only have my conscience. If the military is serious about the independence of the judiciary and the rule of law, I have nothing to fear." Fatiaki was later escorted from his office by police officers, who gave him a ride home. A senior police official told us Gates called military headquarters soon after Fatiaki arrived at his chambers and asked that Fatiaki be removed. The military asked for police help in convincing Fatiaki to leave. The officer said police gave Fatiaki a ride home because the military had impounded his official vehicle during the brief time he was at the office.

Sami Taken From His Office Despite High Court Ruling

[1](#)3. (C) At around the same time Fatiaki was being removed from his office, a similar scene was being played out in Lautoka, in Fiji's west. Soldiers asked Sugarcane Growers Council CEO Jagannath Sami to vacate his office despite yesterday's decision by High Court Justice Connors that Sami was to be reinstated (Ref A). Sami was taken to the Lautoka police station by the soldiers, where he complained of chest pains and collapsed. He was later admitted to Lautoka Hospital. A senior police official told us Sami was taken to the police station in accordance with the recently announced

policy (Ref B) that the military would only in exceptional cases take persons to military bases for questioning. The officer said Sami was not beaten and that police officers were on hand during the questioning.

Bainimarama Announces New Anti-Corruption Commission

¶4. (C) Commander Bainimarama announced that legislation would soon be promulgated to establish an independent anti-corruption commission. The commission, he said, would have power to conduct surveillance, and arrest, detain and prosecute those involved in corruption. Bainimarama said the head of the commission would report directly to the President.

SDL Asks For U.S. Help

¶5. (C) Peceli Kinivuwai, National Director of the SDL party, visited the Embassy 1/17 to ask for U.S. assistance in securing freedom of movement for PM Qarase. Kinivuwai hopes the U.S. will lobby the interim government to allow Qarase to return to Suva from Lau, where he is currently in "internal exile." Kinivuwai said Qarase would like to return to Suva in order to take care of a number of personal and other matters. Kinivuwai said Qarase would continue to speak to the media upon his return to Suva, even if that means being brought to the military camp for "questioning." (Kinivuwai told us he himself has been brought to the camp and interrogated eight times). We promised to inform Washington of the request.

¶6. (C) Kinivuwai said he plans to travel to Lau 1/18 to meet with Qarase. He also has some legal papers for Qarase

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to sign in connection with a lawsuit the SDL intends to file against the military. Kinivuwai said he hopes to visit Brussels and New York in the near future in order to speak to officials at the EU and UN about Qarase's plight.

EC Proposes Consultations with Fiji

¶7. (C) The European Commission announced 1/17 that it was proposing consultations with Fiji under Article 96 of the Cotonou Agreement. The proposal will now be discussed by the 27 Member States. In a statement, Commissioner Louis Michel said that, "I have proposed to the EU Member States to take this step because of the human rights abuses, breach of democratic principles and lack of respect for the rule of law. With the welfare of the people of Fiji in mind, we hope that the situation can be remedied through consultations and that we can avoid suspension of our cooperation."

Training for Iraq Deployment on the Streets of Suva?

¶8. (C) An RFMF press release noted that RFMF personnel acting as bodyguards for interim ministers were in fact undergoing "on the job training" in preparation for deployment in Iraq. According to the press release, "these personnel will be seconded to the UN in Baghdad as the Personal Security Detail to the Special Representative of the Secretary General in Iraq."

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